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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/803,505 | 03/18/2004 | Eileen Morris | P-27,522 | 5712 |
| 23307 | 7590 | 07/07/2004 | EXAMINER | |
| SYNNESTVEDT & LECHNER, LLP | | | FRANCIS, FAYE | |
| 2600 ARAMARK TOWER | | | ART UNIT | PAPER NUMBER |
| 1101 MARKET STREET | | | 3712 | |
| PHILADELPHIA, PA 191072950 | | | | |

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/803,505 | MORRIS ET AL. | |
| | Examiner | Art Unit | |
| | Faye Francis | 3712 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1 and 6 is/are rejected.
- 7) Claim(s) 2-5 and 7-20 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|--|
| <ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | <ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: ____. |
|---|--|

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Jones.

Jones discloses all of the elements of this claim including stuffed toy comprising at least one movable member [sleeves 14 and 15 and hands 16 and 17] constructed of flexible material and movable to either of a first position in which the moveable member is visible and a second position in which the moveable member is at least partially concealed from view [Figs 1 and 2].

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Glass et al, hereinafter Glass.

Glass discloses all of the elements of this claim including stuffed toy comprising at least one movable member [arm 14] constructed of flexible material [doll is made out of fabric] and movable to either of a first position in which the moveable member is visible and a second position in which the moveable member is at least partially concealed from view [arm 14 is inherently capable of being moved to either of a first position or second position, i.e. by moving the doll's arm behind the back of the doll's body and therefore, at least partially concealing it from view].

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by

VonPhilp, Sr, hereinafter VonPhilp.

VonPhilp discloses all of the elements of this claim including stuffed toy comprising at least one movable member [fabric section 36] constructed of flexible material and movable to either of a first position in which the moveable member is visible [Fig 4] and a second position in which the moveable member is at least partially concealed from view [Fig 6].

5. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated

by Lidert, Jr, hereinafter Lidert.

Lidert discloses all of the elements of these claims including stuffed toy [col 2 line 23] comprising at least one movable member/tongue [tongue member 20] constructed of flexible material [the tongue is capable of being coiled or rolled up] and movable to either of a first position [Figs 3 and 5] in which the moveable member is visible and a second position in which the moveable member is at least partially concealed from view [Figs 1 and 4], a pocket [cavity 19 formed by the jaw] positioned within the mouth [col 2 line 8].

Allowable Subject Matter

6. Claims 2-5 and 7-20 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

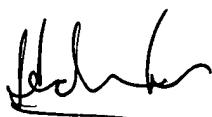
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 703-306-5941. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FF


Jacob K. Ackun
Primary Examiner